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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,026	12/15/2003	Thomas E. Creamer	BOC9-2003-0079 (453)	4175
40987	7590	12/15/2005	EXAMINER	
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			WIN, AUNG T	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/736,026

Applicant(s)

CREAMER ET AL.

Examiner

Aung T. Win

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date DEC 15, 2003 AT
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Neary (US Publication Number: US 20020076008A1)

Regarding Claim 1, Neary discloses a method of testing a voice response system comprising:

Establishing a voice call over voice network 14 [Figure 1] [Figure 7] [Figure 8] between a system with automated call generator (ACG) units [Paragraph 0015] [Column 17] and the interactive voice response (IVR) system; (Reads on establishing a voice link step)

Sending coded signal to the ACG unit over the network 14 to indicate that actual utterance (such as “one” in Figure 4 & “Press one for date” in Figure 5 and Figure 7A) to follow [Paragraph 0030 & 0031]; and

Sending the actual utterance (such as “one” in Figure 4 and “Press one for date” in Figure 5) to the ACG unit over the voice network 14. (read on sending steps)

Claim 9 is the apparatus claim rejected for the same reasons as stated above in Claim 1 rejection because claimed steps executed by claimed means stated in Claim 9 are substantially closed to corresponding claimed steps of Claim 1. Claimed steps of Claim 1 must have had corresponding means as disclosed in Claim 9 for executing of claimed steps of Claim 1.

Claim 17 is rejected for the same reasons as stated above in Claim 1 rejection because the claims steps substantially read on the corresponding steps of Claim 1. A machine readable storage storing a computer program comprises sequences instructions is inherently included in the systems to execute the claimed steps. Furthermore, Neary discloses that both ACG unit and IVR system are preprogrammed [Paragraph 0019], thus ACG unit and IVR system include the computer program as claimed to perform such claimed steps for testing the IVR system for call-flow verification.

Regarding Claims 2, 10 & 18, Neary discloses that coded signal is comprised of one or more dual tone-multi-frequency signals [See Figure 4 & 5].

Regarding Claims 3, 11, & 19, Neary discloses that the method further comprising sending an additional signal [see DTMF signal sent after actual utterance in Figure 4 & 5] to distinguish additional voice prompts.

Regarding Claims 4, 12 & 20, Neary discloses that the method further comprising receiving a voice command (simulated user response "1"; [Enter "1" in Figure 7A] [Paragraph 00168-10]) from the ACT unit wherein the voice command is based on the voice prompt sent by the IVR system to the ACG unit. (Reads on Claimed step)

Regarding Claims 5, 13 & 21, Neary's method inherently comprises the comparing step to compare i.e., (matching up simulated user response voice command "1" with the voice prompt "Press one for date" in order to send a subsequent voice prompt "Enter Date" [See Figure 7A].

Regarding Claims 6, 14 & 22, Neary's method further comprises initiating a programmatic action step i.e., sending a subsequent voice prompt "Enter Date" in response to the voice command "1" [See Figure 7A]

Regarding Claims 7, 8, 15, 16, 23 & 24, Neary's method teaches the storing and comparing steps [Paragraph 0019; Line 16-24] to store and compare the received actual utterance i.e., "Enter Date" in response to the voice command "1" (programmatic action by the IVR system) with previously stored expected utterance i.e., previously stored voice prompt in response to voice command "1" (an expected programmatic action) [Also See Figure 8]. Neary further teaches the comparing step is for identifying discrepancies for call-flow verification purposes [Paragraph 0036 & 0037].

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Aung T. Win  
Group Art Unit 2645  
December 12, 2005



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